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Attorney's Docket No.: 04860.P2476   Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Reid	Examiner: Cheng Jin Wang **RECEIVED**
Application No. 09/680,107	APR 3 0 2004
	Art Unit: 2672 **Technology Center 2600**
Filed: 10/04/2000	

For: EDIT DISPLAY DURING
RENDERING OPERATIONS

Commissioner For Patents
Alexandria, V.A. 22313-1450

REPLY TO EXAMINER'S ANSWER

Sir:

Appellant hereby submits this Reply to the Examiner's answer mailed February 24, 2004, in the above captioned case. The Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

I. Grouping of the Claims

The claims have been grouped into three groups. The Examiner has objected to the grouping because, allegedly, Appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reason in support thereof. Appellant specified three groups of claims in the Appeal Brief. Appellant has given reasons, separately for each group of claims, why each group of claims is patentable over the prior art. Thus, appellant believes each group should be considered separately and that the claims do not stand or fall together.

II. The Term "Proxy" As used in the Claims

Regarding the term "proxy" as used in claim 1, the Examiner argues that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. However, the process of defining a term involves the interpretation of the language in the claims, and not *adding* a limitation to the claims. Specifically, during patent examination, the pending claims must be given their broadest reasonable interpretation <u>consistent with the specification</u>. See *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000). See also MPEP § 2111. Further, the words of the claim must be given their plain meaning <u>unless applicant has provided a clear definition in the specification</u>. *In re Zeltz*, 893 F.2d

319, 321 (Fed. Cir. 1989). See also MPEP § 2111.01. A clear definition of the term proxy is given on page 16, lines 4-26 of the specification. Appellant further asserts that the Examiner's interpretation of the term "proxy" is inconsistent with its use in the specification. Appellant's arguments relating to the term will be consistent with its use in the specification.

III. Group I

Group I includes claims 1-2, 7-9, 14-16, 20, 22 and 26.

Claim 1 includes a limitation of creating a proxy of the revised presentation. A proxy, according to one definition, is a substitute. The Examiner argues that a cache output as used in Gould is a "substitute" or "intermediate" output. However, as mentioned in the appeal brief, the output of the cache is a *portion* of the final output. As a result, this is not a *substitute* output, since the output of the proxy effects is only a portion of the final output, rather than a substitution of the entire output. Even if the cache output taught by Gould is considered an intermediate output, that too is still only a portion of the final output, and not a proxy as the term is used in the claims.

The Examiner further argues that a representation/output of the proxy effects of Gould meets the claimed limitation of a proxy. However, the output of proxy effects are completely rendered special effects (the cache stores the *rendered output* of each effect – See Col. 10, lines 39-41). Even if the cache stores only a portion of the final rendered output, it is nonetheless *final rendered output*, thus is

not a proxy for the final output as taught in claim 1. The goal of the system taught by Gould is to output frames of a video sequence in a priority order, so that a portion of the rendered output is displayed before the remainder has been rendered (Col. 1, lines 36-48, Col. 6, lines 23-34). The output is actual rendered output, it is just displayed in a manner such that a user can see a portion of the output before final rendering is complete. As such, although a portion of the final output may be available to a user during rendering, it cannot be said that this portion is a proxy of the total output, as the term is used in the claims. Specifically, the output of the proxy effects is not a substitute for the video sequence as a whole, merely a representation of the portion of the video sequence that is deemed to be most important.

The Examiner further argues that the cache copy of a revised video stream is a temporary output, or an intermediate or substitute output. However, Gould does not teach that the output is intermediate or substitute. Rather, Gould teaches only that each proxy effect has an associated cache for storing the effect's output as soon as it is available (Col. 4, lines 21-23). Gould further teaches that the "idea" of the cache is to store the *rendered* output of each effect (Col. 10, lines 39-41). Gould never mentions intermediate nor substitute output, only that certain frames of a video sequence may be rendered before others according to a priority system (Col. 6, lines 23-34).

Each special effect is linked with a proxy effect having an associated cache (Col. 4, lines 21-27). The cache stores the effect's output as soon as it is available.

The Examiner asserts that the outputs of the proxy effects stored in the cache can be reused. Although the output of the proxy effects can be reused to form an assembled video sequence, the stored effects are still finally rendered output, not a proxy as in the claims. By reusing the data stored in the cache, the data is merely copied into a final video sequence. Again, the data stored in these caches is finally rendered data, rather than a proxy, and by reusing the data Gould merely teaches rearranging previously rendered output into a new video sequence.

The examiner also contends that some cached data outputs may be viewed in viewer windows and the actual or final rendered output of the video streams produced after applying the proxy effects to the video streams. Once again, the cached data outputs are finally rendered output that are stored in the caches. This follows the concept in Gould that portions of the total output can be rendered in a priority order so that important frames are rendered first. Further, if Gould teaches viewing the cached data in viewer windows, this display to a user would be a display only of the final rendered data stored in the caches.

The Examiner asserts that Gould teaches creating a proxy of the revised presentation and a list of render jobs before the required image can be rendered. Appellant again asserts that Gould is not teaching a proxy as in the claims. Instead, Gould determines a priority order of frames to be rendered. Depending on the rendering system used, certain frames must be rendered before others. As a result, there are required images that must be rendered before the designated

priority frames can be rendered (Col. 6, lines 38-41). However, once again, Gould teaches producing finally rendered output. Even if the finally rendered output is only a portion of the total output, the frames generated will be assembled together to form a final video sequence, and those frames will not be modified or changed.

IV.   Group II

Group II includes claims 3-4, 10-11, 17-20 and 23-24.

Regarding Group II, claim 3 adds a limitation of wherein creating the proxy is by drawing an imitation of the edit feature. As mentioned above with respect to Gould, the Examiner claims that the output of the proxy effects are equivalent to the proxy as taught in the claims. Claim 3 adds the limitation that the proxy is an imitation of the edit feature. The output of the proxy effects taught by Gould is fully rendered frames or images (Col. 10, lines 39-41). Even though the output of the proxy effects may not be the entirety of the video sequence, the output is still final, and not an imitation of what the output may be. Therefore, Gould does not anticipate claim 3, since Gould does not teach all the limitations of claim 3.

The Examiner further asserts that claim 3 is taught by Gould because the dependency images before the final rendered output constitute the imitation of the edit feature (Col. 6, lines 55-64). As mentioned above, certain rendering systems may require that certain frames are rendered before others. This

dependency does not imply an imitation of a final video sequence, since these frames are fully rendered to provide for the rendering of the frames that depend on them. Again, though Gould teaches rendering a portion of the final video output before the remainder is rendered, this does not constitute an imitation as in claim 3.

V.   Group III

Group III includes claims 5-6, 12-13 and 25.

Claim 5 adds the limitation that a first software component has instructions for adding the edit feature and the first software component is separate from a second software component that has instructions for creating the proxy. Appellant reiterates the previous argument that Gould teaches that plug-ins are used to create the special effects (Col. 8, lines 64-65, and Col. 3, lines 66-67). Since Gould does not teach a proxy, it cannot be said that Gould teaches using a first and second software, one for adding an edit feature, and one for creating the proxy. However, the Examiner interprets the term "proxy" as being the output of the proxy effects taught by Gould. Using this interpretation, the proxy must be created by those plug-ins. The plug-ins also add the special effects, since they creating them. Therefore, the plug-ins both add the edit feature and create the proxy, and it cannot be said that they are separate components.

VI.   CONCLUSION

Respectfully, the Appellant submits that presently pending claims are in condition for allowance. For the reasons presented herein, the removal of the present rejections and allowance of the present claims is respectfully requested.

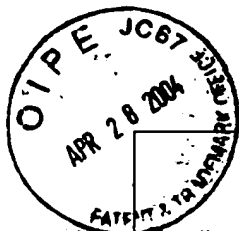Respectfully submitted,

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AMENDMENT TRANSMITTAL

PATENT

Application No.: ___09/680,107___
Filing Date: ___10/04/2000___
First Named Inventor ___Reid___
Examiner's Name: ___Cheng Jin Wang___
Art Unit: ___2672___
Attorney Docket No.: ___4860.P2476___

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Technology Center 2600

_____	An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
__X__	Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
__X__	Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
_____	Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

_____	Preliminary Amendment
_____	Amendment/Response with respect to Office Action
_____	Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
_____	Notice of Appeal
_____	RCE (Request for Continued Examination)
_____	Supplemental Declaration
_____	Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
_____	Information Disclosure Statement (IDS)
_____	Copies of IDS citations
_____	Petition for Extension of Time
_____	Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
_____	Cross-Reference to Related Application(s)
_____	Certified Copy of Priority Document
__X__	Other: _Reply to Examiner's Answer_
_____	Other: _____
_____	Check(s)
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